

# Planning Committee

Thursday, 18 June 2020

**Attendees:** Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Martyn Warnes

**Substitutes:** No substitutes were recorded at the meeting

**Also Present:**

## **794 Appointment of Chairman**

*RESOLVED* (UNANIMOUSLY) that Councillor Liddy be appointed Chairman for the forthcoming Municipal Year.

## **795 Appointment of Deputy Chairman**

*RESOLVED* (UNANIMOUSLY) that Councillor Barton be appointed Deputy Chairman for the forthcoming Municipal Year.

## **796 Planning Committee Minutes 20 February 2020**

The minutes of the meeting held on 20 February 2020 were confirmed as a correct record.

## **797 Planning Committee minutes 5 March 2020**

The minutes of the meeting held on 5 March 2020 were confirmed as a correct record.

## **798 Have Your Say! (Virtual Planning Meetings)**

In respect of application number 200351, land at Dawes Lane, West Mersea, previously submitted written representations were presented to the Committee, pursuant to the authority delegated to the Planning and Housing Manager and the Monitoring Officer, following consultation with the Chairman and Group Spokespersons, to vary the Remote Meetings Procedure Rules in respect of the Planning Committee as follows:

David Cooper, on behalf of STOP350, addressed the Committee in opposition and Andrew Ransome addressed the Committee in support.

Councillor Jowers attended and, with the consent of the Chairman, presented to the Committee the written representations previously submitted by Councillor Moore. He also addressed the Committee by referring to the prematurity of the application in the light of the current status of the emerging Local Plan and the hiatus caused due to the modifications awaited from the Planning Inspector and the potential need for further consultation to be undertaken. He also referred to the proposed access onto Dawes Lane which he considered to be inadequate and dangerous and the need for a tree belt of significant width should the application be approved.

Councillor Davidson attended and, with the consent of the Chairman, addressed the Committee. He referred to the current status of the emerging Local Plan and the legal opinion on which that had been commissioned by the STOP 350 group which raised serious doubts about the suitability of the site and the acceptability of some of the emerging policies. He agreed with arguments siting prematurity, he referred to the site at Brierley Paddocks which had been given outline permission and questioned the suitability of the Dawes Lane site. He was concerned about the impact of the development on the view of the Island from the Strood and requested the provision of a tree belt of mature, native trees, some being evergreens 40 metres deep. He regretted it had not been possible for the Committee members to undertake a site visit whilst acknowledging the contribution the application would make in securing the Council's five-year housing supply. He also sought a cascade mechanism to the Section 106 Agreement in consultation with the Town Council to provide for funding for other community buildings rather than the MICA Centre.

In respect of application number 190043, land west of Brook Street, Colchester previously submitted written representations were presented to the Committee, pursuant to the authority delegated to the Planning and Housing Manager and the Monitoring Officer, following consultation with the Chairman and Group Spokespersons, to vary the Remote Meetings Procedure Rules in respect of the Planning Committee as follows:

Jonathan Baldwin and Catherine Spindler addressed the Committee in opposition and Michael Smith addressed the Committee in support.

Councillor Higgins attended and, with the consent of the Chairman, addressed the Committee. She explained that the area was a wildlife haven, she referred to the outline planning permission for a total of 58 units whilst the current application was for double that number of units which she did not consider acceptable. She referred to the need to avoid the use of any herbicides on the site and asked the Committee members to consider the addition of a condition to provide for the erection of the Locally Equipped Area for Play prior to the first occupants taking residence. She acknowledged the principle of development on the site had been established but considered the proposal to be of poor design and regretted the provision of only one affordable housing unit off-site and was concerned that the submission of viability assessment had been used by the developer to incorporate a greater number of units than the site warranted.

Councillor Goacher attended and, with the consent of the Chairman, presented to the Committee the written representations he had previously submitted. He also referred to the frequency of stationary traffic at the bottom of Brook Street, the impact of additional traffic in this part of Brook Street and the circumstances of a number of residents which prevented them from moving away from the area to a healthier location. He also referred to the existing outline permission on the site and the current application effectively doubling of the number of housing units. He was of the view that the development would increase the number of cars using the neighbouring road network and considered the proposals to be over-development.

#### **799      200351 Land at Dawes Lane, West Mersea**

The Committee considered an outline planning application for 100 dwellings and land for community uses, public open space and landscaping and access from Dawes Lane at land at Dawes Lane, West Mersea, Colchester. The application had been referred to the Committee because it was a departure from the Local Plan, substantive objections had been received and a Section 106 agreement was required. The application had also been called in by Councillor Moore

The Committee had before it a report in which all information about the application was set out, together with various written representations which had been presented at the meeting.

The Committee members had been provided with video clips of the site taken by the planning officer to assist in their assessment of the impact of the proposals upon the locality and the suitability of the proposals for the site.

James Ryan, Principal Planning Officer, presented the report and, together with Karen Syrett, Planning and Housing Lead, assisted the Committee in its deliberations. He confirmed that the scheme would contribute to the Council's five-year housing supply, the site had been considered acceptable in the emerging Local Plan, the argument that the application was premature was not considered to be an acceptable one upon which to base a refusal of the application, given the public benefits the application would deliver. He also confirmed that the scheme had included a transport assessment, the findings of which had been accepted by the Highway Authority. He considered the requests for a tree planting belt of 40 to 50 metres needed to be weighed against the use of the land for public open space purposes but confirmed that the Committee members had the option to require an additional informative or condition to this effect if considered desirable. He also confirmed that the cascade mechanism built into the Section 106 Agreement could be varied by the Committee members if preference towards the Glebe site was considered appropriate.

Various members of the Committee referred to the work undertaken on the West Mersea

Neighbourhood Plan and the need for this to be taken into account in some form. In addition, the issue of prematurity was supported, given the current status of the emerging Local Plan and the potential for further consultation to be undertaken, together with concern about the impact of the development on the landscape, the nature of the access road together with the proposals for public open space and the doctors' surgery.

Other members of the Committee acknowledged the quality of the proposed development, the affordable housing and community amenities that were proposed and the support given to the proposals by the Highway Authority and other statutory consultees. The video clips of the application site circulated to the Committee members prior to the meeting, given the restrictions on site visit arrangements, were welcomed as well as the reassurances given by the case officer that the development was compliant with the policies contained in the emerging Local Plan. As such, the ability of the community to influence the development once the emerging Local Plan had been considered sound was welcomed.

A number of Committee members sought an assurance regarding the screening of the development in respect of the length of time taken to come to maturity and the range of species to be planted. Clarification was also sought in relation to the modifications to the emerging Local Plan required by the Planning Inspector.

The Planning and Housing Lead explained that the Planning Inspector had indicated that Section 1 of the emerging Local Plan could be made sound and, in order to do so, modifications would be required. He had also further confirmed that, following requests from Colchester, Tendring and Braintree Councils, he had started work on the modifications to enable the three Authorities to report to their respective Committees in mid-July 2020 and, in Colchester's case, this would be on 14 July 2020.

Reference was made, should the application be approved, to the amendment of the Section 106 Agreement to provide for a revised cascade mechanism to enable the distribution of the community funds as determined by West Mersea Town Council and for the screening belt to include a proportion of evergreen species.

The Principal Planning Officer confirmed that the Highway Authority had appraised the transport assessment submitted with the application and had considered it to be acceptable, subject to the inclusion of conditions. He also confirmed that the Council's landscape adviser had recommended the use of a mix of native species for the tree screening belt which would mature gradually over time and which included evergreen species.

The Planning and Housing Lead explained that, should the application be refused or deferred and be subject to an appeal, it would be determined by an Appeal Inspector who would not wait for the examination of Section 2 of the emerging Local Plan. She acknowledged that the West Mersea Neighbourhood Plan was a considerable piece of

work for the community to undertake and that it had not progressed as quickly as the Town Council had hoped. She cautioned the Committee members against the use of prematurity as a ground for refusal or deferment. Whilst acknowledging this argument had been used by the Council in respect of a speculative development in Tiptree, she explained that the Planning Inspector and the Secretary of State considered this argument was not justified and was contrary to the National Planning Policy Framework. She confirmed that the Council's 15-year housing supply data for Mersea currently included eight units in addition to the Brierley Paddocks site.

The Principal Planning Officer confirmed that the landscaping matters would be dealt with at the reserved matters stage for the application and, as such, an additional informative could be considered by the Committee members to provide for a mix of deciduous and evergreen species to a satisfactory depth and that the cascade mechanism in the Section 106 Agreement could be varied to provide for the community funding to be allocated to the Glebe, followed by the MICA Centre.

*RESOLVED* (FOUR voted FOR, TWO voted AGAINST and THREE ABSTAINED) that -

(i) The Assistant Director Place and Client Services be authorised to approve the planning application subject to the conditions set out in the report, an additional informative to advise that the landscape buffer screening belt should include a significant proportion of native evergreens and be of sufficient depth to provide effective screening and filtering of views as swiftly as possible and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Archaeology – £17,553.00 contingent on finds for display;
- Parks and Recreation – £31,992.72 for play equipment, likely to be used for an upgrade of the Wellhouse Farm play space with a request for an outdoor gym and a commuted sum if the Council was to maintain the open space, the legal agreement to include a clause to determine the precise sum when the detail of the open space is finalised at reserved matters stage, based on the following costings:  
Rural and/or suburban countryside - £9,430 per hectare for single sites greater than 1 hectare in extent,  
Maintenance of sports pitch area - £69,700 per hectare,  
Woodland (new planting) - £32,400 per hectare,  
Public Open Space, predominantly urban in character - £43,460 per hectare;
- The option of transferring the open space and maintenance fee to West Mersea Town Council if all parties are agreeable;
- Community – £168,652.00 to be spent via a cascade mechanism, with priority going towards the funding of a multi- use community centre at the Glebe but if that is not possible then the contribution to go towards an upgrade of the MICA centre;
- Affordable Housing – contribution to meet the requirements of emerging policy DM12, that is, 95% of affordable housing to be compliant with M4 Cat 2 and 5% of the affordable housing to be compliant with M4 Cat 3 (2) (b);

- NHS – £59,027.00 to expand facilities;
- The gifting to West Mersea Town Council of 0.7hectares of land suitable for community uses/a doctors' surgery/ community parking or other uses as the Town Council consider fit;
- North Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS): a contribution of £12,558.00 (£125.58 per dwelling) towards mitigation under the Conservation of Habitats and Species Regulations 2017;

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Assistant Director Place and Client Services be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

## **800 190043 Phase 2, Land west of Brook Street, Colchester**

The Committee considered an amended proposal for creation of 119 one and two bedroom apartments in five blocks plus associated roads, landscaping and open space at Phase 2, land west of Brook Street, Colchester. The application had been referred to the Committee because it was a major application, material objections had been received and a legal agreement was required. In addition, Councillor Cope had called-in the application.

The Committee had before it a report and amendment sheet in which all information about the application was set out, together with various written representations which had been presented at the meeting.

The Committee members had been provided with video clips of the site taken by the planning officer to assist in their assessment of the impact of the proposals upon the locality and the suitability of the proposals for the site.

Sue Jackson, Planning Project Officer, presented the report and assisted the Committee in its deliberations. She explained that a Viability Appraisal had been submitted by the applicant which had been independently reviewed and had concluded that the development would be unviable if the financial obligations pursued exceeded £400,000. She also explained that a request had been submitted for the Committee members to consider the inclusion of an additional informative providing for fire certification of the external cladding material.

One member of the Committee referred to the five-storey aspect of the proposals and the visual impact in relation to the height of neighbouring buildings. The provision of external balconies and electric vehicle charging points were welcomed, whilst the likely negative impact on levels of pollution was acknowledged. Clarification was also sought in relation to the protection of badger setts found on-site.

Another member of the Committee regretted the provision of only one off-site affordable housing unit and sought the addition of a condition to provide for the installation of sprinklers in each flat.

Clarification was also sought regarding the provision of lifts in the accommodation blocks, the disabled car parking provision proposed, whether the reference to a wheel-chair accessible flat referred to one only or one in each of the five blocks of accommodation and whether the footbridge was to be upgraded for use by cyclists.

Members of the Committee generally expressed support for the proposal to ensure that the Locally Equipped Area for Play was available prior to the occupation of the site.

The Planning Project Officer explained that the height of the proposed buildings in relation to those in George Williams Way were very similar and that the tower feature was only nominally higher. Three surveys had been undertaken which had revealed different occupation activity at the badger setts on each occasion, as such, it had been concluded they did not constitute the main sett and were not being continually occupied. She explained that consultants had interrogated the viability assessment and had agreed that the site was not viable, as such, the funding would only be sufficient to provide for one affordable housing unit off-site. She confirmed that four of the blocks of accommodation would include a wheel-chair accessible unit and she considered it appropriate to add a further condition to provide for the provision of suitable disabled parking facilities. She confirmed that the Section 106 Agreement could be varied to provide for the Locally Equipped Area for Play to be available prior to the occupation of the development. She also confirmed that the scheme did not include lifts but it would be required to comply with fire and buildings regulations in relation to the dimensions of the staircases. She was aware that the applicant would be willing to accept an additional condition to provide for the installation of sprinklers in the units. She confirmed that it was intended that the paths linking to the existing bridge over the railway line would be improved by the provision of CCTV and lighting.

Reference was made that the proposal was allocated in the Local Plan, it benefitted from outline planning permission, constituted a brownfield site and would constitute sustainable development and, whilst the absence of lifts on the site and the flat roof design were regretted, additional conditions providing for sprinklers and disabled parking were supported. Further detail was also sought in respect of the proposals for disabled residents, including disabled parking bays for all four wheelchair accessible units, all four ground floor apartments to be fully wheelchair accessible with suitable internal layout and level external access faced in a suitable paving material for wheelchair users.

The Planning Project Officer confirmed that the Committee members had the option to strengthen the conditions in relation to the wheelchair accessible accommodation and the disabled parking provision.

**RESOLVED** (EIGHT voted FOR and ONE voted AGAINST) that -

(i) The Assistant Director Place and Client Services be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet, additional conditions to provide for a scheme to be submitted and approved including disabled parking bays for all four wheelchair accessible units, all four ground floor apartments to be fully wheelchair accessible with suitable internal layout and level external access faced in a suitable paving material for wheelchair users, sprinkler systems to be installed throughout all apartments and public areas and an additional informative providing for fire certification of the external cladding material and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- NHS contribution of £43,217;
- A single affordable 2-bed unit off-site at an estimated cost of £150,000;
- CCTV/ lighting (estimated cost);
- Computer facilities within nearby community facility £5,000;
- North Essex Recreational disturbance Avoidance Mitigation Strategy (RAMS): a contribution of £14,944.00 (£125.58 per dwelling) towards mitigation under the Conservation of Habitats and Species Regulations 2017;
- The purchase of a car club car to be made available to the general public;
- Prior to the first occupation of the development, an area of public open space with a Locally Equipped Area for Play;
- The retention of a 12metre strip of land for the East Colchester Rail Transit route;
- A mechanism to further review viability (using the same criteria as the Viability Assessment submitted with the application) prior to the occupation of 25% and 50% of the units;
- Any further viability identified to be apportioned equally between affordable housing and education.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Assistant Director Place and Client Services be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

## **801 Temporary Changes to planning Scheme of Delegation**

The Committee considered a report by the Assistant Director, Policy and Place setting out the temporary measures that were introduced to allow planning decisions to be made during the Covid-19 lockdown. It also detailed, with further updates listed in the amendment sheet, all those applications that had been determined during this period and proposed a further change to the scheme of delegation while virtual committee meetings were in operation.



Karen Syrett, Planning and Housing Lead, presented the report and assisted the Committee in its deliberations.

Reference was made to the need for the agendas for the virtual meetings to be carefully managed in terms of the number of applications to be considered at each meeting and this was supported by the Planning and Housing Lead.

Two members of the Committee acknowledged the need for virtual Committee meetings to take place in the current circumstances but considered these arrangements should be temporary only and asked that a definite timescale be agreed for a review of the arrangements.

*RESOLVED* (UNANIMOUSLY) that those applications which had been determined in accordance with the emergency delegation arrangements be noted and, subject to a review to be conducted by the Committee in December 2020, the further changes to scheme of delegation during the operation of virtual meetings be approved.